

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 5:13-CR-13
	§	(Judge Schroeder)
SHANNON GUESS RICHARDSON	§	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S
MOTION FOR RECONSIDERATION OF SENTENCE**

Defendant Shannon Richardson has filed a motion asking this Court to reconsider her sentence that was imposed eight years ago pursuant to a binding plea agreement. She offers no credible reason for doing so nor any legal authority that would allow the Court to take such action at this point. Her motion should be denied.

BACKGROUND

In May 2013, threat letters were mailed from New Boston, Texas, to President Barack Obama, New York City Mayor Michael Bloomberg, and a lobbyist in Washington, D.C. The three letters were laced with ricin, a biological toxin. On May 30, 2013, Shannon Guess Richardson of New Boston traveled to the Shreveport, Louisiana, Police Department and reported that her husband was responsible for the letters. Investigation by law enforcement officials revealed otherwise. Richardson purchased ricin-making supplies, placed ricin onto the letters, and mailed the threats. As a result, she was arrested on a federal criminal complaint and later indicted.

In December 2013, Richardson pled guilty to an information, charging her with possession of a toxin for use as a weapon. Her plea agreement, entered into pursuant to

Federal Rule of Criminal Procedure 11(c)(1)(C), provided for a 216-month term of imprisonment. Richardson was subsequently sentenced in accordance with the plea agreement. Despite an appellate waiver included as part of her plea, she filed a direct appeal, which the Fifth Circuit dismissed. She later filed a petition under 28 U.S.C. § 2255, which this Court denied with prejudice in July 2018.

DISCUSSION

Once a sentence is imposed, a district court has no authority to modify it, except when authorized by statute or rule. *See United States v. Varner*, 948 F.3d 250, 253-54 (5th Cir. 2020); *United States v. Garcia*, 606 F.3d 209, 212 n.5 (5th Cir. 2010).

Consistent with the principle of finality, 18 U.S.C. § 3582(c) provides that a court generally “may not modify a term of imprisonment once it has been imposed,” except in three circumstances: (i) upon a motion for reduction in sentence under § 3582(c)(1)(A); (ii) “to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure,” § 3582(c)(1)(B); and (iii) where the defendant was sentenced “based on” a retroactively lowered sentencing range, § 3582(c)(2). Richardson fails to invoke any of these provisions, nor could she as none are even applicable here.

Instead, citing no authority, Richardson has asked the Court to reconsider her sentence. As support, she claims that various aspects of her mental health were “overlooked and discounted” at the time of the Presentence Report (PSR) and thus not considered at sentencing.

In truth, Richardson's mental health was discussed extensively in the PSR. For example, abuse that she attributed to family members, including her father and husband, was described. (PSR ¶¶ 58, 63, and 72.) The PSR also summarized the forensic psychological examination that she underwent at the Bureau of Prisons medical center following her arrest. (PSR ¶¶ 72-74.)

In addition, there is no doubt that Richardson's mental health was considered by the Court as part of imposing sentence. Her participation in a mental health treatment program was a specific recommendation made within the judgment and included as an additional term of her supervised release. (Doc. No. 59, at 2 and 4.)

Nevertheless, Richardson asks that this Court review her current medical records to reconsider her 2014 sentence. This is unnecessary and unwarranted.

CONCLUSION

The Court should deny Richardson's motion for reconsideration of her sentence.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading has been served on the
defendant by U.S. Mail addressed as follows:

Shannon Guess Richardson
FMC Carswell
P.O. Box 27137
Fort Worth, Texas 76127

This 14th day of July, 2022.

/s/ L. Frank Coan, Jr.

L. Frank Coan, Jr.